



General Assembly

January Session, 2011

Raised Bill No. 6438

LCO No. 3690

03690_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PROBATE COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-8a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) For the purposes of this section, "children's matters" means: (1)
4 Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2)
5 termination of parental rights matters under sections 45a-706 to 45a-
6 719, inclusive; (3) adoption matters under sections 45a-724 to 45a-733,
7 inclusive, and sections 45a-736 and 45a-737; (4) claims for paternity
8 under section 46b-172a; (5) emancipation of minor matters under
9 sections 46b-150 to 46b-150e, inclusive; and (6) voluntary admission
10 matters under section 17a-11.

11 [(b) The Probate Court Administrator shall, within available
12 resources, establish a regional children's probate court in a region that
13 shall consist of the probate districts of New Haven, Branford, East
14 Haven, Hamden, Milford, North Branford, North Haven, Orange,
15 West Haven and Woodbridge. In establishing such court, the Probate
16 Court Administrator shall consult with the probate judges of such

17 districts, each of whom may participate on a voluntary basis.]

18 [(c)] (b) [In addition to the court established under subsection (b) of
19 this section, the] The Probate Court Administrator may establish [six
20 additional] seven regional children's probate courts in regions
21 designated by the Probate Court Administrator. In establishing such
22 courts, the Probate Court Administrator shall consult with the probate
23 judges of the districts located in each designated region, each of whom
24 may participate on a voluntary basis.

25 [(d)] (c) The Probate Court Administrator may establish a regional
26 children's probate court under this section in (1) any existing probate
27 court facility within a district located in a region, or (2) a separate
28 facility located in a region as may be designated by the Probate Court
29 Administrator. Each regional children's probate court shall be
30 established and operated with the advice of the participating probate
31 judges of such districts and the administrative judge appointed under
32 subsection [(g)] (f) of this section. Such participating probate judges
33 and administrative judge shall serve as the judges of the regional
34 children's probate court, except as provided in subdivision (1) of
35 subsection [(g)] (f) of this section. Such judges shall hear and determine
36 all children's matters as may come before them on a docket separate
37 from other probate matters.

38 [(e)] (d) (1) For the purposes of this section, the Probate Court
39 Administrator may, subject to the provisions of section 45a-84, expend
40 from the Probate Court Administration Fund established under section
41 45a-82 such amounts as the Probate Court Administrator may deem
42 reasonable and necessary for the establishment, improvement,
43 maintenance and operations of court facilities located in each such
44 designated region.

45 (2) Nothing in this section shall be construed to relieve any town of
46 its obligation to provide and maintain court facilities pursuant to
47 section 45a-8.

48 [(f)] (e) The Probate Court Administrator may, subject to the
49 provisions of section 45a-84, expend moneys from the Probate Court
50 Administration Fund to pay for necessary improvements of a facility
51 designated as a regional children's probate court under this section, to
52 pay operating expenses of a regional children's probate court and to
53 reimburse participating towns or cities for any costs of leasing office
54 space for a regional children's probate court, and any necessary
55 improvements thereto, and for expenses under subsection [(g)] (f) of
56 this section.

57 [(g)] (f) (1) The Probate Court Administrator, with the advice of the
58 participating probate judges of the districts located in the designated
59 region, shall appoint an administrative judge for each regional
60 children's probate court. The administrative judge shall be a probate
61 judge at the time of such appointment. If the administrative judge
62 ceases to serve as a probate judge after such appointment, the
63 administrative judge may continue to serve as administrative judge at
64 the pleasure of the Probate Court Administrator, but shall not have the
65 powers granted to an elected probate judge and shall not hear and
66 determine children's matters before such regional children's probate
67 court. Subject to the approval of the Chief Court Administrator, the
68 Probate Court Administrator shall fix the compensation of the
69 administrative judge and such compensation shall be paid from the
70 Probate Court Administration Fund. Such compensation, together with
71 the administrative judge's compensation as a probate judge of the
72 district to which he or she was elected, shall not exceed the
73 compensation provided for a judge of probate under subdivision (4) of
74 subsection (a) of section 45a-95a. The administrative judge shall have
75 such benefits as may inure to him or her as a probate judge and shall
76 receive no additional benefits, except for compensation provided
77 under this section.

78 (2) Each administrative judge shall be responsible for the
79 management of cases, coordination of social services, staff, financial
80 management and record keeping for the regional children's probate

81 court for which the administrative judge is appointed. The
82 administrative judge may, with the approval of the Probate Court
83 Administrator, purchase furniture, office supplies, computers and
84 other equipment and contract for services that the administrative judge
85 may deem necessary or advisable for the expeditious conduct of the
86 business of the regional children's probate court. Such expenses shall
87 be paid for pursuant to section 45a-8. If a separate facility for a regional
88 children's probate court is established pursuant to subdivision (2) of
89 subsection [(d)] (c) of this section, the participating town or city shall
90 be reimbursed for such expenses from the Probate Court
91 Administration Fund upon presentation of vouchers to the Probate
92 Court Administrator.

93 [(h)] (g) Each administrative judge for a regional children's probate
94 court may, with the approval of the Probate Court Administrator,
95 employ such persons as may be required for the efficient operation of
96 the regional children's probate court. Such employees shall be
97 employees of the regional children's probate court and shall be entitled
98 to the benefits of probate court employees under this chapter. Such
99 employees shall not be deemed to be state employees.

100 [(i)] (h) Any probate court within a region designated under
101 subsection (b) [or (c)] of this section may transfer children's matters to
102 the regional children's probate court for such region. Any regional
103 children's probate court may accept transfers and referrals of children's
104 matters from probate courts within its region.

105 [(j)] (i) Each regional children's probate court shall be considered a
106 probate court for the purposes of this chapter.

107 [(k)] (j) The Probate Court Administrator shall establish policies and
108 procedures to implement the provisions of this section. [On or before
109 January 3, 2007, the Probate Court Administrator shall submit a report
110 concerning the operation and effectiveness of the regional children's
111 probate courts established under this section to the joint standing
112 committee of the General Assembly having cognizance of matters

113 relating to the judiciary, in accordance with section 11-4a.]

114 Sec. 2. Subdivision (9) of section 31-275 of the general statutes is
115 repealed and the following is substituted in lieu thereof (*Effective July*
116 *1, 2011*):

117 (9) (A) "Employee" means any person who:

118 (i) Has entered into or works under any contract of service or
119 apprenticeship with an employer, whether the contract contemplated
120 the performance of duties within or without the state;

121 (ii) Is a sole proprietor or business partner who accepts the
122 provisions of this chapter in accordance with subdivision (10) of this
123 section;

124 (iii) Is elected to serve as a member of the General Assembly of this
125 state;

126 (iv) Is a salaried officer or paid member of any police department or
127 fire department;

128 (v) Is a volunteer police officer, whether the officer is designated as
129 special or auxiliary, upon vote of the legislative body of the town, city
130 or borough in which the officer serves;

131 (vi) Is an elected or appointed official or agent of any town, city or
132 borough in the state, upon vote of the proper authority of the town,
133 city or borough, including the elected or appointed official or agent,
134 irrespective of the manner in which he or she is appointed or
135 employed. Nothing in this subdivision shall be construed as affecting
136 any existing rights as to pensions which such persons or their
137 dependents had on July 1, 1927, or as preventing any existing custom
138 of paying the full salary of any such person during disability due to
139 injury arising out of and in the course of his or her employment; [or]

140 (vii) Is an officer or enlisted person of the National Guard or other

141 armed forces of the state called to active duty by the Governor while
142 performing his or her active duty service;or

143 (viii) Is elected to serve as a probate judge for a probate district
144 established in section 45a-2.

145 (B) "Employee" shall not be construed to include:

146 (i) Any person to whom articles or material are given to be treated
147 in any way on premises not under the control or management of the
148 person who gave them out;

149 (ii) One whose employment is of a casual nature and who is
150 employed otherwise than for the purposes of the employer's trade or
151 business;

152 (iii) A member of the employer's family dwelling in his house; but,
153 if, in any contract of insurance, the wages or salary of a member of the
154 employer's family dwelling in his house is included in the payroll on
155 which the premium is based, then that person shall, if he sustains an
156 injury arising out of and in the course of his employment, be deemed
157 an employee and compensated in accordance with the provisions of
158 this chapter;

159 (iv) Any person engaged in any type of service in or about a private
160 dwelling provided he is not regularly employed by the owner or
161 occupier over twenty-six hours per week;

162 (v) An employee of a corporation who is a corporate officer and
163 who elects to be excluded from coverage under this chapter by notice
164 in writing to his employer and to the commissioner; or

165 (vi) Any person who is not a resident of this state but is injured in
166 this state during the course of his employment, unless such person (I)
167 works for an employer who has a place of employment or a business
168 facility located in this state at which such person spends at least fifty
169 per cent of his employment time, or (II) works for an employer

170 pursuant to an employment contract to be performed primarily in this
171 state.

172 Sec. 3. Section 45a-695 of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective October 1, 2011*):

174 (a) At any hearing upon [such] an application under this part, the
175 court shall receive evidence concerning the respondent's ability to give
176 informed consent. Such evidence shall include, but shall not be limited
177 to, reports in writing signed under penalty of false statement from [an
178 interdisciplinary team of] at least three [impartial panel members
179 appointed by the court from a panel of] professionals who are
180 physicians, psychologists, educators, [and] social workers [and] or
181 residential [workers] staff members. The court shall make a reasonable
182 effort to appoint professionals from different disciplines who have
183 personally observed, examined or worked with such respondent at
184 some time during the twelve months preceding such hearing. If a
185 professional appointed by the court pursuant to this section has not
186 personally observed, examined or worked with the respondent during
187 the twelve months preceding the appointment of such professional's
188 appointment, the professional shall examine the respondent not more
189 than ninety days prior to the hearing. Such appointments shall be
190 made in accordance with regulations [to be promulgated] issued by
191 the Probate Court Administrator in accordance with section 45a-77.

192 (b) The reasonable compensation of such appointed [panel
193 members] professionals shall be established by the court in accordance
194 with regulations issued by the Probate Court Administrator in
195 accordance with section 45a-77. Such compensation shall be charged to
196 the respondent provided, if the court finds such respondent is unable
197 to pay such compensation, it shall be paid from the Probate Court
198 Administration Fund.

199 (c) Each such appointed [panel member] professional shall make his
200 or her written report under penalty of false statement on a separate
201 form provided for that purpose by the court and shall answer such

202 questions as may be set forth on such form as fully and completely as
203 reasonably possible. The reports shall contain specific information
204 regarding the respondent's ability to give informed consent and shall
205 indicate the specific aspects of informed consent which the respondent
206 lacks. Each such appointed [panel member] professional shall state
207 upon the forms the reasons for his or her opinion. Such respondent or
208 his or her counsel shall have the right to present evidence and
209 cross-examine witnesses who testify at any hearing on the application.
210 If such respondent or his or her counsel notifies the court not less than
211 three days before the hearing that he or she wishes to cross-examine
212 the appointed [panel members] professionals, the court shall order
213 such [members] professionals to appear at the hearing.

214 Sec. 4. Section 45a-109 of the general statutes is repealed and the
215 following is substituted in lieu thereof (*Effective October 1, 2011*):

216 In addition to the basic charges and costs specified in sections 45a-
217 106 to 45a-108, inclusive, the following expenses shall be payable to the
218 courts of probate: (1) For recording each page or fraction thereof after
219 the first five pages of any one document, three dollars; (2) for each
220 notice in excess of two with respect to any hearing or continued
221 hearing, two dollars; (3) for any expenses incurred by the court of
222 probate for newspaper publication of notices, certified or registered
223 mailing of notices, or for service of process or notice, the actual amount
224 of the expenses so incurred; (4) for providing copies of any document
225 from a file in the court of any matter within the jurisdiction of the
226 court, five dollars for a copy of any such document up to five pages in
227 length and one dollar per copy for each additional page or fractional
228 part thereof as the case may be, provided there shall be furnished
229 without charge to the fiduciary or if none, to the petitioner with
230 respect to any probate matter one uncertified copy of each decree,
231 certificate or other court order setting forth the action of the court on
232 any proceeding in such matter; (5) for certifying copies of any
233 document from a file in the court of any matter before the court, five
234 dollars per each copy certified for the first two pages of a document,

235 and two dollars for each copy certified for each page after the second
 236 page of such document, provided no charge shall be made for any
 237 copy certified or otherwise that the court is required by statute to
 238 make; [and] (6) for retrieval of a file not located on the premises of the
 239 court, the actual cost or ten dollars, whichever is greater; and (7) for
 240 copying probate records through the use of a hand-held scanner, as
 241 defined in section 1-212, twenty dollars per day.

242 Sec. 5. Subsection (a) of section 45a-273 of the general statutes is
 243 repealed and the following is substituted in lieu thereof (*Effective July*
 244 *1, 2011*):

245 (a) The surviving spouse of any person who dies, or if there is no
 246 surviving spouse, any of the next of kin of such decedent, or if there is
 247 no next of kin or if such surviving spouse or next of kin refuses, then
 248 any suitable person whom the court deems to have a sufficient interest
 249 may, in lieu of filing an application for admission of a will to probate
 250 or letters of administration, file an affidavit or statement signed under
 251 penalty of false statement in the court of probate in the district in
 252 which the decedent resided, stating, if such is the case, that all debts of
 253 the decedent have been paid in the manner prescribed by section [45a-
 254 392] 45a-365, at least to the extent of the fair value of all of the
 255 decedent's assets, when (1) such decedent leaves property of the type
 256 described in subsection (b) of this section, and (2) the aggregate value
 257 of any such property as described in subsection (b) of this section does
 258 not exceed the sum of forty thousand dollars. In addition, such
 259 affidavit or statement shall state that the decedent either did, or did
 260 not, receive aid or care from the state, which shall also include aid or
 261 care from the Department of Veterans' Affairs, whichever is true.

262 Sec. 6. Subsection (e) of section 45a-273 of the general statutes is
 263 repealed and the following is substituted in lieu thereof (*Effective July*
 264 *1, 2011*):

265 (e) If an affidavit is filed under subsection (a) of this section in lieu
 266 of an application for admission of a will to probate or letters of

267 administration and the fair value of the property of the decedent
 268 exceeds the total amount of claims, including any amounts allowed to
 269 the family under section 45a-320, the court shall proceed as follows: (1)
 270 If no purported last will and testament is found, the court shall order
 271 distribution of the excess in accordance with the laws of intestate
 272 succession; (2) if the decedent left a duly executed last will and
 273 testament and the will provides for a distribution which is the same as
 274 that under the laws of intestate succession, the court shall order
 275 distribution of the excess in accordance with the laws of intestate
 276 succession; (3) if the decedent left a duly executed last will and
 277 testament and the will provides for a distribution different from that
 278 under the laws of intestate succession, and the heirs at law of such
 279 decedent sign a written waiver of their right to contest the will, the
 280 court shall order the excess to be paid in accordance with the terms of
 281 the will; (4) if the will directs a distribution different from the laws of
 282 intestate succession, and the heirs at law do not waive their right to
 283 contest the admission of such will, the will shall be offered for probate
 284 in accordance with section 45a-286. In such case, the court may issue a
 285 decree under this section only if the persons entitled to take the
 286 bequests under the will consent, in writing, to the distribution of the
 287 bequests in accordance with the laws of intestate succession. If the
 288 claims against the estate exceed the value of the property of such
 289 decedent, the claims shall be paid in accordance with the priorities set
 290 forth in section [45a-392] 45a-365. As used in this subsection, the term
 291 "will" includes any duly executed codicil thereto.

292 Sec. 7. Section 45a-274 of the general statutes is repealed and the
 293 following is substituted in lieu thereof (*Effective July 1, 2011*):

294 When any decedent is entitled to payment of medical benefits,
 295 federal or state, or insurance or health benefits or proceeds, or other
 296 intangible personal property owned by or payable to [him] the
 297 decedent or to [his] the decedent's estate in a sum not exceeding one
 298 thousand dollars, the judge of probate for the district within which
 299 such decedent resided may name an administrator, ex parte, for the

300 purpose of enabling distribution to the surviving spouse or, if there is
301 no surviving spouse, to the next of kin of such decedent or to the
302 funeral director or physician, as the case may be, upon evidence
303 satisfactory to him that all debts have been paid or provided for as
304 prescribed by section [45a-392] 45a-365.

305 Sec. 8. Subsection (b) of section 45a-597 of the general statutes is
306 repealed and the following is substituted in lieu thereof (*Effective July*
307 *1, 2011*):

308 (b) If the estate is less than sufficient to pay all such expenses in full,
309 the provisions of section [45a-392] 45a-365 as to order of payment shall
310 govern.

311 Sec. 9. Section 45a-754 of the general statutes is repealed and the
312 following is substituted in lieu thereof (*Effective October 1, 2011*):

313 (a) [The state shall furnish each court of probate with an index and a
314 book in which shall be recorded only applications, agreements, orders,
315 waivers, affidavits and returns of notice of hearing, appointments of
316 guardians ad litem and decrees in] All records of cases related to
317 termination of parental rights, removal of a parent as guardian,
318 appointment of a statutory parent, [and] adoption matters, temporary
319 guardianship and emancipation of a minor shall be confidential and
320 shall not be open to inspection by or disclosure to any third party,
321 except that (1) such records shall be available to (A) the parties in any
322 such case and their counsel; (B) the Department of Children and
323 Families; (C) any licensed child-placing agency involved in any such
324 case; (D) any judge or employee of a court of this state who, in the
325 performance of his or her duties, requires access to such records; (E)
326 the office of the Probate Court Administrator; and (F) courts of other
327 states under the provisions of sections 46b-115a to 46b-115gg,
328 inclusive; and (2) access to and disclosure of adoption records shall be
329 in accordance with subsection (b) of this section.

330 [(b) The probate court shall also maintain locked files which shall be

331 used for the filing of sealed envelopes, each of which shall contain all
332 the papers filed in court regarding the removal of a parent as guardian,
333 petitions for termination of parental rights, appointment of statutory
334 parent and adoption.

335 (c) In the case of an application for the removal of a parent as
336 guardian, a petition for termination of parental rights, an application
337 for a statutory parent or an application for adoption, the envelopes
338 shall be marked only with the words "Adoption Matter" and the names
339 of the adopting parents and the name borne by the minor before the
340 adoption. In the case of a removal of parent as guardian or in the case
341 of a termination of parental rights matter which does not result in an
342 adoption matter, the envelopes shall be marked only with the words
343 "Removal Of Parent As Guardian" or "Termination Of Parental Rights
344 Matter" and the name of the minor.]

345 [(d)] (b) Access to [such] adoption records shall be in accordance
346 with sections 45a-743 to 45a-753, inclusive. The records may also be
347 disclosed upon order of the judge of probate to a petitioner who
348 requires such information for the health or medical treatment of any
349 adopted person. If such information is so required and is not within
350 the records, the biological parent or parents or blood relatives may be
351 contacted in accordance with the procedures in [said] section 45a-753.

352 [(e) Any person who discloses any information contained in the
353 indexes, record books and papers, except as provided in sections 45a-
354 706 to 45a-709, inclusive, 45a-715 to 45a-718, inclusive, 45a-724 to 45a-
355 737, inclusive, and 45a-743 to 45a-757, inclusive, shall be fined not
356 more than five hundred dollars or imprisoned not more than six
357 months or both.]

358 Sec. 10. Section 45a-765 of the general statutes is repealed and the
359 following is substituted in lieu thereof (*Effective October 1, 2011*):

360 All proceedings, documents, correspondence and findings by the
361 board shall be returned to the probate court initiating the application

362 and shall be confidential [and placed in sealed envelopes] as required
363 by section 45a-754, as amended by this act.

364 Sec. 11. (NEW) (*Effective October 1, 2011*) Any person seeking online
365 access to any data processing system operated by the Office of the
366 Probate Court Administrator, or seeking, in any other medium,
367 information stored in such data processing system, may be required to
368 pay to the Office of the Probate Court Administrator an amount, as
369 established in a fee schedule determined by the Probate Court
370 Administrator, for deposit in the Probate Court Administration Fund
371 established in section 45a-82 of the general statutes. Such fee schedule
372 may include reasonable charges for personal services, fringe benefits,
373 supplies and any other expenses related to maintaining, improving
374 and providing such data processing services including, but not limited
375 to, program modifications, training expenses, central processor user
376 time and the rental and maintenance of equipment.

377 Sec. 12. Subsection (a) of section 45a-186 of the general statutes is
378 repealed and the following is substituted in lieu thereof (*Effective*
379 *October 1, 2011*):

380 (a) [Any] Except as provided in sections 45a-187, as amended by this
381 act, and 45a-188, as amended by this act, any person aggrieved by any
382 order, denial or decree of a court of probate in any matter, unless
383 otherwise specially provided by law, may, not later than forty-five
384 days after the mailing of an order, denial or decree for a matter heard
385 under any provision of section 45a-593, 45a-594, 45a-595 or 45a-597, as
386 amended by this act, sections 45a-644 to 45a-677, inclusive, or sections
387 45a-690 to 45a-705, inclusive, and not later than thirty days after
388 mailing of an order, denial or decree for any other matter in a court of
389 probate, appeal therefrom to the Superior Court. Such an appeal shall
390 be commenced by filing a complaint in the superior court in the
391 judicial district in which such court of probate is located, or, if the
392 court of probate is located in a probate district that is in more than one
393 judicial district, by filing a complaint in a superior court that is located

394 in a judicial district in which any portion of the probate district is
 395 located, except that (1) an appeal under subsection (b) of section 12-
 396 359, subsection (b) of section 12-367 or subsection (b) of section 12-395
 397 shall be filed in the judicial district of Hartford, and (2) an appeal in a
 398 matter concerning removal of a parent as guardian, termination of
 399 parental rights or adoption shall be filed in any superior court for
 400 juvenile matters having jurisdiction over matters arising in any town
 401 within such probate district. The complaint shall state the reasons for
 402 the appeal. A copy of the order, denial or decree appealed from shall
 403 be attached to the complaint. Appeals from any decision rendered in
 404 any case after a recording is made of the proceedings under section
 405 17a-498, 17a-685, 45a-650, 51-72 or 51-73 shall be on the record and
 406 shall not be a trial de novo.

407 Sec. 13. Subsection (a) of section 45a-186a of the general statutes is
 408 repealed and the following is substituted in lieu thereof (*Effective*
 409 *October 1, 2011*):

410 (a) In an appeal from an order, denial or decree of a court of probate
 411 made after a hearing that is on the record pursuant to subsection (a) of
 412 section 45a-186, as amended by this act, not later than thirty days after
 413 service is made of an appeal under section 45a-186, as amended by this
 414 act, or within such further time as may be allowed by the Superior
 415 Court, the Court of Probate shall transcribe any portion of the
 416 recording of the proceedings that has not been transcribed. The
 417 expense for such transcript shall be charged against the person who
 418 filed the appeal, except that if the person who filed the appeal is
 419 unable to pay such expense and files an affidavit with the court
 420 demonstrating the inability to pay, the expense of the transcript shall
 421 be paid by the Probate Court Administrator and paid from the Probate
 422 Court Administration Fund.

423 Sec. 14. Section 45a-187 of the general statutes is repealed and the
 424 following is substituted in lieu thereof (*Effective October 1, 2011*):

425 (a) An appeal [under section 45a-186] by persons of the age of

majority who are present or who have legal notice to be present, or who have been given notice of their right to request a hearing or have filed a written waiver of their right to a hearing, shall be taken within [thirty days] the time provided in section 45a-186, as amended by this act, except as otherwise provided in this section. If such persons have no notice to be present and are not present, or have not been given notice of their right to request a hearing, such appeal shall be taken within twelve months, except for appeals by such persons from an order of termination of parental rights, other than an order of termination of parental rights based on consent, or a decree of adoption, in which case appeal shall be taken within ninety days. An appeal from an order of termination of parental rights based on consent, which order is issued on or after October 1, 2004, shall be taken within twenty days.

[(b) An appeal from any probate order for the payment of claims or dividends on claims against any insolvent estate shall not be allowed unless it is taken within thirty days after the making of such order.]

[(c)] (b) An order, denial or decree of a court of probate shall not be invalid because of the disqualification of the judge unless an appeal therefrom is taken within [thirty days] the time provided in section 45a-186, as amended by this act, this section and section 45a-188, as amended by this act.

Sec. 15. Section 45a-188 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) Except as provided in this section, all appeals by persons who are minors at the time of the making of the order, denial or decree appealed from shall be taken within twelve months after they arrive at the age of majority.

(b) In the case of any minor who has a guardian or guardian ad litem appointed and qualified by any court of probate in this state at the time of the making of the order, denial or decree, [the time in

457 which] the minor or anyone on his behalf may appeal therefrom [shall
 458 be one month from the date of such order, denial or decree if the
 459 guardian or guardian ad litem has had legal notice, as provided for the
 460 particular proceeding, of the time and place of the hearing on such
 461 proceeding concerning which such order, denial or decree was made]
 462 within the time provided in section 45a-186, as amended by this act, if
 463 the guardian or guardian ad litem had legal notice of the time and
 464 place of the hearing.

465 [(c) All appeals by persons not inhabitants of this state who were
 466 not present at such time and did not have legal notice to be present
 467 shall be taken within twelve months thereafter.]

468 [(d)] (c) Any judge or clerk of the Court of Probate or any fiduciary
 469 may cause written notice of any order, denial or decree of the Court of
 470 Probate to be given to any person of the age of majority, or to the
 471 guardian or guardian ad litem of any minor who has not had legal
 472 notice of the hearing on the proceeding at which the order, denial or
 473 decree was passed and who may be aggrieved thereby. In any such
 474 case the person, minor, guardian or guardian ad litem may appeal only
 475 within [one month] the time provided in section 45a-186, as amended
 476 by this act, after receiving such notice.

477 Sec. 16. Section 45a-113a of the general statutes is repealed and the
 478 following is substituted in lieu thereof (*Effective from passage*):

479 Whenever a court determines that a refund is due an applicant,
 480 petitioner, moving party or other person for any overpayment of costs,
 481 fees, charges or expenses incurred under the provisions of sections
 482 45a-106 to 45a-112, inclusive, the Probate Court Administrator shall,
 483 upon receipt of certification of such overpayment by the court of
 484 probate that issued the invoice for such costs, fees, charges or
 485 expenses, cause a refund of such overpayment to be issued from the
 486 Probate Court Administration Fund.

487 Sec. 17. Section 45a-175 of the general statutes is repealed and the

488 following is substituted in lieu thereof (*Effective October 1, 2011*):

489 (a) Courts of probate shall have jurisdiction of the interim and final
490 accounts of testamentary trustees, trustees appointed by the courts of
491 probate, conservators, guardians, persons appointed by probate courts
492 to sell the land of minors, executors, administrators and trustees in
493 insolvency, and, to the extent provided for in this section, shall have
494 jurisdiction of accounts of the actions of trustees of inter vivos trusts
495 and attorneys-in-fact acting under powers of attorney.

496 (b) A trustee or settlor of an inter vivos trust or an attorney-in-fact
497 or the successor of the trustee, settlor or attorney-in-fact or the grantor
498 of such power of attorney, or [his] the legal representative of the settlor
499 or grantor, or any person whom the court deems suitable to represent
500 the interests of the settlor or grantor, may make application to the
501 court of probate for the district where the trustee, or any one of them,
502 or the attorney-in-fact has any place of business or to the court of
503 probate for the district where the trustee or any one of them or the
504 settlor or the attorney-in-fact or the grantor of the power resides or, in
505 the case of a deceased settlor or grantor, to the court of probate having
506 jurisdiction over the estate of the settlor or grantor or for the district in
507 which the settlor or grantor resided immediately prior to death for
508 submission to the jurisdiction of the court of an account for allowance
509 of the trustee's or attorney's actions under such trust or power.

510 (c) (1) Any beneficiary of an inter vivos trust may petition a court of
511 probate having jurisdiction under this section for an accounting by the
512 trustee or trustees. The court may, after hearing with notice to all
513 interested parties, grant the petition and require an accounting for
514 such periods of time as it determines are reasonable and necessary on
515 finding that: (A) The beneficiary has an interest in the trust sufficient to
516 entitle him to an accounting, (B) cause has been shown that an
517 accounting is necessary, and (C) the petition is not for the purpose of
518 harassment.

519 (2) A court of probate shall have jurisdiction to require an

520 accounting under subdivision (1) of this subsection [(c) of this section]
521 if (A) a trustee of the trust resides in its district, (B) in the case of a
522 corporate trustee, the trustee has any place of business in the district,
523 (C) any of the trust assets are maintained or evidences of intangible
524 property of the trust are situated in the district, or (D) the settlor
525 resides in the district or, in the case of a deceased settlor, resided in the
526 district immediately prior to death.

527 (3) As used in subdivision (1) of this subsection, [(c) of this section,]
528 "beneficiary" means any person currently receiving payments of
529 income or principal from the trust, or who may be entitled to receive
530 income or principal or both from the trust at some future date, or the
531 legal representative of such person.

532 (d) The action to submit an accounting to the court, whether by an
533 inter vivos trustee or attorney acting under a power of attorney or
534 whether pursuant to petition of another party, shall not subject the
535 trust or the power of attorney to the continuing jurisdiction of the
536 Probate Court.

537 (e) If the court finds such appointment to be necessary and in the
538 best interests of the estate, the court upon its own motion may appoint
539 an auditor, to be selected from a list provided by the Probate Court
540 Administrator, to examine accounts over which the court has
541 jurisdiction under this section, except those accounts on matters in
542 which the fiduciary or cofiduciary is a corporation having trust
543 powers. The Probate Court Administrator shall [promulgate] issue
544 regulations in accordance with section 45a-77 concerning the
545 compilation of a list of qualified auditors. Costs of the audit may be
546 charged to the fiduciary, any party in interest and the estate, in such
547 proportion as the court shall direct if the court finds such charge to be
548 equitable. Any such share may be paid from the fund established
549 under section 45a-82, subject to the approval of the Probate Court
550 Administrator, if it is determined that the person obligated to pay such
551 share is unable to pay or to charge such amount to the estate would

552 cause undue hardship.

553 (f) Upon the allowance of any such account, the court shall
 554 determine the rights of the fiduciaries or the attorney-in-fact rendering
 555 the account and of the parties interested in the account, subject to
 556 appeal as in other cases. The court shall cause notice of the hearing on
 557 the account to be given in such manner and to such parties as it directs.

558 (g) In any action under this section, the Probate Court shall have, in
 559 addition to powers pursuant to this section, all the powers available to
 560 a judge of the Superior Court at law and in equity pertaining to
 561 matters under this section, including, without limitation, the power to
 562 remove a trustee of an inter vivos trust or attorney-in-fact and to
 563 appoint a successor fiduciary in accordance with section 45a-242. In
 564 appointing a successor fiduciary, the court may waive the requirement
 565 of a probate bond if the governing instrument does not require such a
 566 bond.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	45a-8a
Sec. 2	July 1, 2011	31-275(9)
Sec. 3	October 1, 2011	45a-695
Sec. 4	October 1, 2011	45a-109
Sec. 5	July 1, 2011	45a-273(a)
Sec. 6	July 1, 2011	45a-273(e)
Sec. 7	July 1, 2011	45a-274
Sec. 8	July 1, 2011	45a-597(b)
Sec. 9	October 1, 2011	45a-754
Sec. 10	October 1, 2011	45a-765
Sec. 11	October 1, 2011	New section
Sec. 12	October 1, 2011	45a-186(a)
Sec. 13	October 1, 2011	45a-186a(a)
Sec. 14	October 1, 2011	45a-187
Sec. 15	October 1, 2011	45a-188
Sec. 16	from passage	45a-113a
Sec. 17	October 1, 2011	45a-175

Statement of Purpose:

To make various changes regarding probate court operations, including, but not limited to: (1) Update provisions on the Regional Children's Probate Courts; (2) provide workers' compensation coverage for probate judges; (3) eliminate the panel for interdisciplinary teams in proceedings to determine an individual's ability to give informed consent to a sterilization procedure and allow professionals who have a personal working relationship with the respondent to appear on the interdisciplinary team; (4) establish a fee structure of twenty dollars per day when an individual copies probate court records with a hand-held scanner; (5) update statutory references to sections governing order of payment of claims; (6) update provisions concerning sealed and confidential records; (7) permit the Probate Court Administrator to establish a fee structure for electronic access to data processing systems in the probate courts; (8) conform statutory references concerning probate appeals; (9) clarify the powers of a probate court with respect to accountings, removal of a fiduciary of an inter vivos trust, and waiver of bond requirements for a successor fiduciary when bond is not required by the governing instrument; and (10) make technical and conforming changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]